

City of San Leandro
Civic Center, 835 E. 14th Street
San Leandro, California 94577



= Police Dept =

Police & Law Methods
San Leandro

January 1, 1976

Crimes Commerce

STATEMENT OF POLICY REGARDING CHECK OFFENSES

The policy outlined herein is offered as a guideline to local merchants and businessmen in reporting check offenses.

- I. Worthless checks will not be accepted by patrol officers if the time of reporting the offense is more than 45 days after the date of issuance appearing on the check. There are several reasons for this requirement. Firstly, the proper investigation of the offense demands prompt action on our part. The value of information recalled by the individuals who either witnessed the offense or were involved in some way with the offender diminishes with the passage of time. Secondly, the chances of apprehending the perpetrator of any offense is directly dependent upon the lapse of time between the time of occurrence and the time the Police Department initiates investigation. This is specifically true in check offenses where the method of operation often brings the offender to an area where he passes a few checks and then moves on to another city. Of course, forged, stolen, and "no account" checks should be reported to the Police Department immediately.
- II. Patrol officers cannot accept "Refer to Maker" or "Not Sufficient Funds" checks for amounts less than Fifty Dollars (\$50.00). It should be noted that on checks of this type, unless the same person has passed several, the District Attorney's Office will not issue a complaint unless intent to defraud can be shown. Often checks of this type were written and passed because the individual believed he had sufficient money in the bank to cover them. Therefore, no intent to defraud can be shown. The merchant can recover on this type of check by suing in Small Claims Court. "Refer to Maker" and "Not Sufficient Funds" checks under Fifty Dollars may be reported by phone to the check detective's secretary, who will fill out a card with the specific and necessary information - following which the merchant will retain the check. When checks of sufficient monetary amount are noted in the check file to make prosecution practical, patrol officers will be dispatched to pick up the check and take a report from the merchant, or individual, on the standard form. Prior to this, however, the merchant or individual should have attempted to contact the maker or passer of the check, and he will be asked to report on his efforts. However, any restitution - either full or partial - eliminates the possibility of any criminal prosecution.
- III. Stolen, forged, or fictitious checks will be taken by patrol officers regardless

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of the amount of the check.

IV. The person accepting the document must be present when the report is made. All pertinent information concerning the transaction should be given at that time, as the identifying features of the suspect are known only to the person accepting the document and other first-hand witnesses. The person "accepting" the check is the person to whom it was presented in a transaction, not the person who subsequently approved the check.

V. Local merchants and businessmen are encouraged to get proper identification when cashing any checks.

This policy is not intended to reflect any decreased cooperation with local merchants, businessmen, or individuals. It is intended to relieve officers from the necessity of participating in what may amount to civil actions, so that they may concentrate available time and manpower on actual criminal offenders who attempt to victimize local businessmen or individuals.

Don Becker
Chief of Police

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